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VIA ECF

February 23, 2015

Honorable Judge Richard M. Berman
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 12D
New York, NY 10007

Re: Rio Tinto plc v. Vale S.A., et al., Civil Action No. 14-cv-3042 (RMB) (AJP) (S.D.N.Y.)

Dear Judge Berman:

On behalf of defendant Vale S.A. ("Vale"), we enclose for the Court's consideration an Application for the Issuance of an International Letter of Request pursuant to the provisions of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, 23 U.S.T. 2555, 847 U.N.T.S. 231, 28 U.S.C. § 1781 (the "Hague Evidence Convention"), to be served on representatives of BSGR Resources Ltd. ("BSGR"), which has its principal office in London.

We do so at the suggestion of Magistrate Judge Andrew J. Peck. (*See* Jan. 13, 2015 Hr'g Tr. 17:16-18:20). While we and Rio Tinto plc have propounded merits discovery under Fed. R. Civ. P. 34 on BSGR and the Court has ordered that merits discovery proceed in this case for all defendants, including BSGR (Dkt. No. 163; Jan. 20, 2015 Hr'g Tr. 8:24-9:8), BSGR has moved to be dismissed for lack of personal jurisdiction and, in the event that motion is granted, the requested documents will still be necessary for Vale's defense. Given the time required under the Hague Evidence Convention, it is necessary that Vale commence that process now. If BSGR remains in this case and complies with Vale's discovery requests under the Federal Rules, then the Letter of Request will not be necessary.

Respectfully submitted,

/s/ Jonathan I. Blackman
Jonathan I. Blackman

Cc: Magistrate Judge Andrew J. Peck
All counsel of record